

COMMISSION OF THE EUROPEAN COMMUNITIES

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Brussels, 28 October 1975

Proposal for
Regulation (EEC) of the Council
regarding the safeguard measures provided for in the Arrangement
Regarding International Trade in Textiles and modifying Council
Regulation (EEC) No. 1439/74

(submitted to the Council by the Commission)

Explanatory Statement

1. The Arrangement Regarding International Trade in Textiles contains provisions enabling participating countries, and therefore, the Community, to deal with situations of market disruption, whether by agreed measures or unilaterally.

2. The attached draft Regulation is intended to define the conditions and the manner in which Community regulations, and in particular Council Regulation (EEC) No. 1439/74, shall apply in such cases. Its provisions would enable swift action to be taken and appear very pertinent at this time.

3. Furthermore, the experience gained by the Community in the application of protective measures, particularly in regard to textile products, has shown that a quota measure can be deprived of its full efficacy by the fact that goods en route at the time of its establishment are admitted freely. It, therefore, seems particularly important to correct the excessive liberalism of Community regulations on this point by aligning them with the realistic provisions of Article XIII GATT which provides that such imports may be counted against the amount of the quota.

4. In the circumstances, it is proposed to the Council :

- that it adopt the attached Regulation regarding the safeguard measures provided for in the Arrangement Regarding International Trade in Textiles and modifying Council Regulation (EEC) No. 1439/74, which is designed to allow the Community to take swift and effective action in situations of market disruption, particularly in the textiles sector.

Proposal for
Regulation (EEC) No. of the Council
regarding the safeguard measures provided for in the Arrangement
Regarding International Trade in Textiles and modifying Council
Regulation (EEC) No. 1439/74

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,
and in particular Article 113 thereof;

Having regard to the proposal from the Commission;

Whereas the Arrangement Regarding International Trade in Textiles,
hereinafter known as the Arrangement⁽¹⁾, was accepted by the European
Economic Community on 25 March 1974;

Whereas it is necessary to specify the manner in which Community
regulations, and in particular Council Regulation (EEC) No. 1439/74
of 4 June 1974⁽²⁾ on common rules for imports, shall apply for the
implementation of the safeguard clauses and interim protective measures
provided for in the Arrangement, whether they refer to unilateral measures
or , measures adopted for the execution of a bilateral agreement
concluded in accordance with the Arrangement;

Whereas the experience gained in the application of safeguard measures
has made it necessary to specify certain rules for the treatment of
products already on their way;

HAS ADOPTED THIS REGULATION :

(1) O.J. No. L 118 of 30.4.1974

(2) O.J. No. L 159 of 15.6.1974, p.1

Article 1

Member States shall notify the Commission of any danger resulting from trends in imports of the textile products specified in Article 12 of the Arrangement which appear to call for protective measures.

The Commission shall inform the other Member States forthwith.

Article 2

Consultations between the Member States and the Commission may be opened within the time-limits and in accordance with the procedure provided for in Articles 4 and 5 of Regulation (EEC) No. 1439/74.

Article 3

In accordance with Article 6 of the above mentioned Regulation, the Member States shall, on its request and in such form and manner as the Commission shall determine, supply the latter with information concerning developments on the market in the textile product concerned.

Article 4

Where, in the course of the consultations provided for in Article 2, it appears that market disruption exists, caused by imports of a certain textile product, the Commission, on its own initiative or at the request of one or more Member States, shall commence consultations with the exporting country as provided for in the Arrangement.

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Article 5

If, in the course of consultations, as provided for in Article 4 of this Regulation, with a third country participating in the Arrangement, it appears that the situation calls for restrictions on imports of the products concerned, protective measures, within the conditions set out in the Arrangement, shall be adopted :

(a) by the Council, on a proposal from the Commission, in accordance with the provisions and the procedures set out in Regulation (EEC) No. 1439/74, and in particular in Article 13(2) and (3) thereof;

(b) in cases of urgency:

- by the Commission, in accordance with the provisions and the procedures set out in Regulation (EEC) No. 1439/74, and in particular in Article 12 thereof;
- by any Member State, as interim protective measures and in accordance with Article 14 (2), (3) and (4) of the aforesaid Regulation.

Article 6

The procedures provided for in Article 5 (a) and (b), first indent, shall be applicable, mutatis mutandis, for putting into effect the provisions of a bilateral agreement concluded, in accordance with the Arrangement, between the Community and a participating country.

Article 7

Article 12 (3) and 13(2) of Regulation (EEC) No. 1439/74 are hereby amended as follows :

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"Such measures may be limited to imports intended for certain regions of the Community. Where they constitute a retreat from liberalisation existing either in the Community or in one or more Member States, they shall not exclude the putting into free circulation of products already on their way to the Community, provided that the destination of such products cannot be changed and that these products, which under Articles 7 and 8 may be put into free circulation only on production of an import document are accompanied by such document.

It may be decided, in accordance with the procedure provided for in paragraph 1, that these products may be counted so far as practicable against the quantity permitted to be imported during the period of application of the measure, and also, where necessary, against the quantities permitted to be imported in the next following period or periods."

Article 8

This Regulation shall enter into force on the third day following its publication in the Official Journal of the European Communities.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at

For the Council

The President